

FILED

2020 DEC 10 AM 11:08

IN THE UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

Re: Relief sought for Violation of Automatic Stay Order

Chapter 7

And action seeking disapproval of secured claim.

Case Number: 6:2020bk61684

Honorable Judge Russ Kendig

Kyra Ann Zemlansky

DEBTOR

On 11/18/2020 One Main Financial contacted me via email to collect a debt seeking a reaffirmation agreement and threatening to repossess my vehicle if I did not comply. I am seeking immediate relief under 11 U.S.C 362(k) and ask this honorable court to find One Main Financial in contempt and to impose sanctions including but not limited to punitive damages.

Memorandum in Support

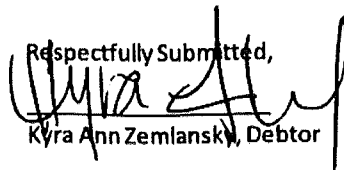
One Main Financial had knowledge of my bankruptcy filing and automatic stay order as they specifically referenced the case in their email to me. They sought to reaffirm the debt with over \$2000 of interest above the original loan amount and "warned" me that if I did not agree to the reaffirmation that they would seek to repossess my vehicle immediately. This an obvious attempt to collect a debt even though One Main Financial claims it was only to "inform me of my options".

I was fearful of losing my only form of transportation and not knowing they were not allowed to contact me outside of this Court, I responded to them seeking better terms. Now that I know they are in violation of the automatic stay order I have stopped all communication with them. One Main Financial has caused me undue stress and used my ignorance of bankruptcy law and prose status to gain an advantage over me.

One Main Financial's claim should not be allowed or fall under a secured claim as 11 U.S.C. 506 (a)(1)(2) and should be considered unsecured as the value is less than the amount of such allowed claim. Furthermore, the replacement cost of the vehicle is far less than amount owed on lien. As such vehicle was listed as exempt on bankruptcy petition as an unsecured debt.

Attached please see exhibit A as proof of One Main Financial's blatant violation of the automatic stay.

Respectfully Submitted,


Kyra Ann Zemlansky, Debtor

Date: 12/09/2020

Exhibit A

OneMain
Financial

NOVEMBER 18, 2020

KYRA ZEMLANSKY

2904 NICHOLAS PL NW
CANTON, OH 44708

RE: KYRA ZEMLANSKY

Bankruptcy Case Number: 2061684

Account Number: 9538

Collateral: 2005 PONTIAC

ONEMAIN FINANCIAL GROUP, LLC

_____ holds a security interest in the collateral listed above. We would like to know your intentions with respect to this collateral. To avoid the inconvenience and potential expense related to repossession, we are forwarding to you a package of documents for use if you choose to keep the collateral through reaffirmation.

If you fail to reaffirm your account or redeem the collateral, OneMain intends to strictly enforce, to the full extent permitted by applicable law, those contract provisions which make a bankruptcy filing an event of default. **As of the date of this letter, you are in default. If you do not reaffirm or redeem, OneMain may immediately seek to enforce all of its rights, including (following any required relief from the bankruptcy court or the expiration of the automatic stay) the right to repossess your collateral.**

The enclosed reaffirmation agreement includes the following proposal:

Reaffirmation: \$ 7315.54 at .00% Interest, payable in 37 monthly installments of \$ 196.18, beginning 04/01/21, and continuing each month thereafter on the 1st.

If you choose this option, you should execute the enclosed Reaffirmation Agreement. Once we receive the executed agreement from you, we will file it with the court. You may return the agreement to us using one of the following methods:

- E-mail to: cbp@onemainfinancial.com
- Fax to: 812-492-2058
- Mail to: OneMain Financial
PO Box 3251
Evansville, IN 47731

"Sign Here" flags have been added to the Reaffirmation Agreement to assist you in locating all signature lines; however, you are not required by law to sign the document.

Alternatively, you may choose to pay the full balance due and owing to have the lien released on your collateral. You may contact us at the number below to discuss this option, including the total balance and date by which the payment must be received.

OneMain is informed that you are a debtor in a bankruptcy proceeding. This letter is intended to provide you with information concerning the options available to you regarding property you own that serves as collateral for a debt to OneMain. This letter is not an attempt to collect the debt from you.

Centralized Bankruptcy Processing

Centralized Bankruptcy Processing
800-266-9800

1. LENDING ACTIVITIES FINANCED BY FINANCIAL INSTITUTIONS

United States Bankruptcy Court

Northern District of Ohio

In re

[Set forth here all names including married, maiden, and trade names used by debtor within last 8 years.]

Debtor

Address 2904 Nicholas Pl NW
Canton, OH 44708

Last four digits of Social Security or Individual Tax-payer Identification (ITIN) No(s), (if any): 1674

Employer's Tax Identification (EIN) No(s), (if any): _____

Case No.

20611684

Chapter

7

NOTICE OF [MOTION TO] [OBJECTION TO]

Debtor has filed papers with the court to [relief sought in motion or objection].

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to [relief sought in motion or objection], or if you want the court to consider your views on the [motion] [objection], then on or before (date), you or your attorney must:

On or before 12/24/2020 to be set by court

[File with the court a written request for a hearing (or, if the court requires a written response, an answer, explaining your position) at:

{address of the bankruptcy clerk's office}

401 McKinley Ave SW
Canton, OH 44702

If you mail your {request}{response} to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also send a copy to:

Trustee Anthony S. DeGirolamo via Tony @ agd law 7-11-4
OneMain Financial via cbp @ onemainfinancial.com

{movant's attorney's name and address} Kyra Zemlansky, Debtor Prose
2904 Nicholas Pl NW
Canton, OH 44708

{names and addresses of others to be served}}

[Attend the hearing scheduled to be held on (date), (year), at _____ a.m./p.m. in Courtroom _____, United States Bankruptcy Court, {address}.]

To be set by court on or before
12/24/2020

[Other steps required to oppose a motion or objection under local rule or court order.]

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: 12/9/20

Signature:

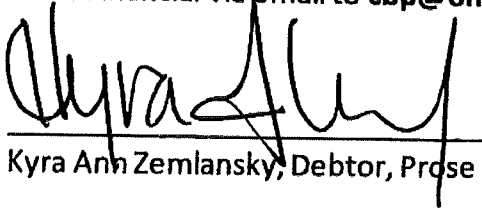
Name:

Address:

Kyra Zemlansky
2904 Nicholas Pl NW
Canton, OH 44708

CERTIFICATE OF SERVICE

I certify that on this day December 09, 2020, a true and correct copy of Debtors motion for relief: Was submitted to Trustee Anthony J. DeGirolamo via email to tony@ajdlaw7-11.com and to One Main Financial via email to cbp@onemainfinancial.com



Kyra Ann Zemlansky, Debtor, Prose